# IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

SHELLY ROSS, as REPRESENTATIVE	§	
of the ESTATE of TONY CHANCE ROSS,		
and SHELLY ROSS and TONY ROSS,	& & &	
in their Individual Capacity,	8	
in their individual Capacity,		
	3	
PLAINTIFFS,	§	
	§	
VS.	§	Civil Action No: 4:16-cv-00095
	8	
THE CITY OF SULPHUR SPRINGS,	<i>๛๛๛๛๛๛๛๛๛๛๛๛๛</i>	
TEXAS, HOPKINS COUNTY, TEXAS,	Š	
SULPHUR SPRINGS LIEUTENANT	Š	
BRAD HORTON, SULPHUR SPRINGS	8	
OFFICERS ADRIAN I. PRUITT,	8	
BRANDON S. MAYES, JOE D. SCOTT,	2	
•	3	
SHERIFF'S DEPUTIES PAUL	8	
FENIMORE, NICK FLOYD, and	§	
HOPKINS COUNTY JAILER JEFF	999	
HIGHTOWER,	Š	
,	8	
	3	

**DEFENDANTS.** 

## **AGREED MOTION TO DISMISS**

### TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Plaintiffs Shelly Ross, as Representative of the Estate of Tony Chance Ross, and Shelly and Tony Ross, in their Individual Capacities, and Defendants Hopkins County, Texas, Paul Fenimore, Nick Floyd, Jeff Hightower and Kevin Lester (collectively, the "Parties"), and file this their Agreed Motion to Dismiss and in support thereof respectfully show unto the Court the following:

 Plaintiffs no longer wish to pursue any claims against Defendants Hopkins County, Texas, Paul Fenimore, Nick Floyd, Jeff Hightower and Kevin Lester. Defendants hereby agree to this dismissal.

WHEREFORE, PREMISES CONSIDERED, the Parties respectfully request that the Court dismiss Defendants Hopkins County, Texas, Paul Fenimore, Nick Floyd, Jeff Hightower and Kevin Lester from this case with prejudice to refiling, with all Parties to bear their own costs of Court and attorney's fees.

Respectfully submitted,

LAW OFFICE OF DAVID D. DAVIS, PLLC P.O. Box 542915 Grand Prairie, Texas 75054 (972) 639-3440 (972) 639-3640 Facsimile

\_/s/ David D. Davis\_\_

**DAVID D. DAVIS** 

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#### ATTORNEYS FOR DEFENDANTS

# **CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing instrument was served upon all counsel of record in the above entitled and numbered cause on April 17, 2017, in the following manner:

X Via ECF

Lee I. Correa